

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 202006444	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/28/2020 10:00 AM	Location of Incident: § 87(2)(b)	Precinct: 49	18 Mo. SOL 1/28/2022	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 09/18/2020 10:58 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/18/2020 10:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Dalisera	17487	963942	049 PCT
2. POM Antonio Lomedico	09014	961898	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Juan Marte	05986	961919	049 PCT
2. POM Johalex Santana	10794	961240	049 PCT
3. POM George Chandler	10551	960357	049 PCT
4. POM Timothy Furlong	24991	967076	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Dalisera	Abuse: Police Officer Steven Dalisera threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(g)
B.POM Antonio Lomedico	Abuse: Police Officer Antonio Lomedico threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(g)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(g)

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on September 18, 2020 by phone.

On July 28, 2020, at approximately 10:00 a.m., PO Steven Dalisera and PO Antonio Lomedico, both of the 49th Precinct, responded to a dispute at § 87(2)(b) in the Bronx. § 87(2)(b) was at her daughter's apartment and her daughter would not let her in. Both § 87(2)(b)'s son-in-law and § 87(2)(b) called 911. During the incident, both PO Dalisera and PO Lomedico threatened to remove § 87(2)(b) to the hospital. (**Allegations A and B: Abuse of Authority, § 87(2)(g)**)

§ 87(4-b), § 87(2)(g)

On February 18, 2021, NYPD legal provided six BWC videos related to this incident, including relevant videos from PO Dalisera (Board Review 01) and PO Lomedico (Board Review 02).

No arrests were made nor summonses issued as a result of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Steven Dalisera threatened to remove § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Police Officer Antonio Lomedico threatened to remove § 87(2)(b) to the hospital.

It is undisputed that PO Dalisera and PO Lomedico responded to § 87(2)(b) for a family dispute. It is undisputed that both § 87(2)(b) and her son-in-law called 911 regarding the dispute. It is undisputed that when PO Dalisera and PO Lomedico arrived, § 87(2)(b) was in the hallway outside of her daughter and son-in-law's apartment.

PO Dalisera's BWC video shows that during the incident PO Dalisera told § 87(2)(b) "Okay so you got two choices: you can leave, or we'll have an ambulance come and you can go to the hospital and get a psych evaluation. So, you can leave, or you can go to the hospital," (BR01, 3:55), "You can leave, or you can go to the hospital. Because this is obviously a psych evaluation. You need something" (BR01, 4:36), and "You – you gotta go to the hospital." (BR01, 8:57)

PO Lomedico's BWC video shows that during the incident PO Lomedico told § 87(2)(b) "We're gonna call the ambulance. We're gonna call the ambulance. We're gonna call the ambulance on you." (BR02, 6:13)

PO Dalisera stated to the CCRB that he made his comments because, due to his experience as a police officer, he believed that § 87(2)(b) needed psychiatric care. He stated he had no prior knowledge of § 87(2)(b) but that § 87(2)(b)'s son-in-law stated to PO Lomedico prior to the officers activating their BWCs that § 87(2)(b) had "mental problems" and § 87(2)(b) made several statements during the incident that appeared to PO Dalisera to suggest § 87(2)(b) was not well. § 87(2)(b) stated, for example, that she had been cloned, that she was pursued by the FBI, and that individuals had taken her blood. These statements appear in both PO Dalisera's and PO Lomedico's BWC videos.

PO Dalisera stated several times during his interview that he never felt § 87(2)(b) was

dangerous, or that she presented a threat to herself or anyone else. He stated that rather than appearing dangerous § 87(2)(b) seemed “just out of it.” He recalled PO Lomedico asking § 87(2)(b) if she felt like hurting herself or anyone else, and § 87(2)(b) stating that she did not. PO Dalisera stated that near the beginning of the incident he gave § 87(2)(b) the option to leave, “because she was not a harm to herself or anybody else.” He stated he allowed § 87(2)(b) to walk away at the end of the incident, “because we did not feel that she was a danger to herself or anybody else.” (Board Review 03)

PO Lomedico stated that he had no prior knowledge of § 87(2)(b) and that his comment to § 87(2)(b) was based on his sense that § 87(2)(b) did not seem well. He too recalled that on the way to the job § 87(2)(b)'s son-in-law had stated § 87(2)(b) had “mental problems.” He stated that he did not recall exactly how the male caller had described it, but stated that he had gone into the job with that in mind. PO Lomedico stated that § 87(2)(b) had continually gone off topic while speaking to him and it seemed like it would be “better if she did get looked at medically.” He stated the goal was to get help for § 87(2)(b). He did not perceive her to be a danger. (Board Review 04)

Both PO Dalisera and PO Lomedico stated that EMS was called during the incident. Neither could recall exactly when. Both recalled that § 87(2)(b) left the scene before EMS responded. PO Dalisera and PO Lomedico each stated they did not call for a supervisor during the incident, and that no supervisor otherwise responded. PO Dalisera and PO Lomedico each stated that § 87(2)(b) never asked for medical assistance or for an ambulance. They each stated that § 87(2)(b) did not want to go to the hospital. (Board Review 03)(Board Review 04)

Patrol Guide Procedure 221-13 states officers may forcibly remove someone to the hospital, “when a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others.” [emphasis Patrol Guide] It further requires officers to, “ascertain if patrol supervisor is responding, and, if not, request response.” (Board Review 05)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Civilian and Officer CCRB Histories

- § 87(2)(b) [Redacted]
[Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- PO Dalisera has been a member of service for three years and this is the first CCRB complaint in which he has been named as a subject.
- PO Lomedico has been a member of service for four years and this is the first CCRB complaint in which he has been named as a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) [Redacted]
[Redacted]
[Redacted]
- On March 23, 2021, a Notice of Claim check was requested of the NYC Office of the Comptroller. The results will be added to the casefile upon receipt. (Board Review 9)

Squad No.: 09

Investigator: Christopher Olmsted Investigator Chris Olmsted March 24, 2021
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 3/25/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

CCRB Case # 202006444